

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Kevin J. Rogers

v.

Case No. 16-cv-111-SM

Monica Cunningham, et al.

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated October 5, 2016, for the reasons set forth therein. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir. 1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

Plaintiff's remaining claim is hereby dismissed as to defendants Ora Schwartzberg and Edythe A. Murphy, without prejudice, for his failure to prosecute and failure to comply with two court orders. The clerk of court is directed to

enter judgment in accordance with this order and close the case.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

Date: October 26, 2016

cc: Kevin J. Rogers, pro se